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U.S. Department of Justice

United States Attorney
 Southern District of New York

The Silvio J. Mollo Building
 One Saint Andrew's Plaza
 New York, New York 10007

December 6, 2007

BY FAX

The Honorable Paul A. Crotty
 United States District Judge
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: *United States v. Luis Rivera*, 07 Cr.48/ (PAC)

Dear Judge Crotty:

Your Honor has scheduled a conference in this matter for December 18, 2007.

It is my understanding from Mr. Becker that the defendant, who lives in Illinois, continues to be indigent, and is having difficulty raising the funds necessary to travel to the Southern District of New York for his court appearances. It is my further understanding that Mr. Rivera has not yet secured transportation to New York from his residence in Illinois.

Pursuant to Title 18, United States Code, Section 4285, this Court may direct the United States Marshals Service (the "USMS") to pay for noncustodial transportation by common carrier for an indigent defendant to court, and for subsistence expenses "to his destination." Mr. Becker has indicated to me that Mr. Rivera understands that the statute only allows the Court to order the payment for transportation and subsistence expenses to the Southern District New York, and not during his stay in New York or transportation back to Illinois. *See, e.g., United States v. James*, 762 F. Supp. 1, 2 (D.D.C. 1991) ("the statute does not authorize the Court to direct the Marshal to pay for the defendant's return to Massachusetts"); *id.* ("the statute provides for a one way ticket, notwithstanding the possible hardship to the defendant"). In light of the defendant's indigence, the parties respectfully request that the USMS be directed, pursuant to Title 18, United States Code, Section 4285, to pay for (a) noncustodial transportation for Mr. Rivera to this Court from his home, and (b) subsistence expenses to his destination not to exceed the amount authorized as a *per diem* allowance for travel under Title 5, United States Code, Section 5702(a).

December 7, 2007
 * Application granted
 Sordered
 Paul Crotty
 USDS

MEMO ENDORSED

MEMO ENDORSED

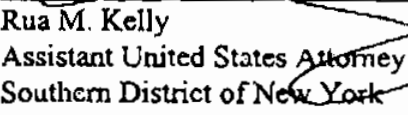
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If Your Honor has any questions, please do not hesitate to contact me.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: Gary G. Becker, Esq. (by fax)